

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FISHER SAND & GRAVEL, CO.
d/b/a/ SOUTHWEST ASPHALT PAVING and
FISHER SAND & GRAVEL – NEW MEXICO, INC.,

Plaintiff,

v.

Case No. 1:10-cv-00635-RB-SMV

FNF CONSTRUCTION, INC., *et al.*,

Defendants.

**ORDER DENYING FNF CONSTRUCTION, INC.’S
MOTION TO COMPEL NO. 5 [Doc. No. 418]**

THIS MATTER came before the Court on Defendant FNF Construction, Inc.’s Motion to Compel No. 5: The Court Should Compel Plaintiffs to Respond to FNF’s Third Set of Document Requests [Doc. No. 418]. The Court, having reviewed the briefs and papers submitted by the parties, heard oral argument, and being otherwise advised in the premises, hereby finds that the Motion should be denied. The motion is denied as moot as it pertains to FNF’s Request for Production No. 82 and denied as it pertains to Request for Production No. 83.

It is therefore ordered that FNF’s Motion to Compel No. 5 [Doc. No. 418] is DENIED.



STEPHAN M. VIDMAR
United States Magistrate Judge

Submitted By:

MODRALL SPERLING ROEHL HARRIS
& SISK, PA

By: /s/ Jeremy K. Harrison

Timothy C. Holm
Jeremy K. Harrison
P. O. Box 2168
Albuquerque, NM 87103-2168
505-848-1800

- and -

William J. Quinlan
QUINLAN LAW FIRM
Two First National Plaza
20 S. Clark, Suite 2900
Chicago, IL 60603
Attorneys for Plaintiffs

Approved By:

PEIFER, HANSON & MULLINS, P.A.

By: Approved via Electronic Mail

Charles R. Peifer
Lauren Keefe
P.O. Box 25245
Albuquerque, New Mexico 87125-5245
505-247-4800
Attorneys for Defendant FNF Construction, Inc.

RODEY, DICKASON, SLOAN, AKIN
& ROBB, P.A.

By: Approved via Electronic Mail

David W. Bunting
P.O. Box 1888
Albuquerque, NM 87103-1888
505-765-5900
Attorneys for Defendants Pulice Construction, Inc. and Stephen Basila

BLACKBURN LAW OFFICES

By: Approved via Electronic Mail

Billy R. Blackburn
1011 Lomas Blvd. NW
Albuquerque, NM 87102-1952
505-242-1600
Attorneys for Jed Billings